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Attorneys for Plaintiff
CVPARTNERS, INC.

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

CVPARTNERS, INC., a California
corporation,

Plaintiff,

v.

JEANMARIE BOBEN, an individual;
TYLER HUBBS, an individual; MATT
HINDE, an individual; and PATRICIA
REDINGTON, an individual; ANDY
DUNAYCZAN; and DOES 1 to 15,

Defendants.

No. CV 09 0689 SI

**STIPULATED REQUEST TO VACATE
PRIOR ORDER OF DISMISSAL AND FOR
ENTRY OF ORDER DISMISSING ACTION
ON THE TERMS AGREED TO BY THE
PARTIES; ~~[PROPOSED]~~ ORDER**

TO THE HONORABLE SUSAN ILLSTON AND THE CLERK OF THE UNITED
STATES DISTRICT COURT, NORTHERN DISTRICT OF CALIFORNIA,

Pursuant to the Settlement Agreement with Mutual Releases ("Agreement") they
entered into, Plaintiff CVPartners, Inc. and Defendants Tyler Hubbs and Jeanmarie
Boben stipulate to the dismissal with prejudice of (1) the above-entitled matter against
Tyler Hubbs and Jeanmarie Boben; (2) Tyler Hubbs's Counterclaim against CVPartners,
Inc.; and (3) Jeanmarie Boben's Counterclaim against CVPartners; provided:

- (1) that the dismissals be conditioned on the terms of the Agreement;
- (2) that each party will bear its own costs, expenses, and attorneys' fees; and,
- (3) that the Court retain jurisdiction over the enforcement of the Agreement for
two years in the event legal action is required to enforce the terms of the Agreement.

REQUEST TO VACATE PRIOR ORDER OF DISMISSAL AND FOR ENTRY OF
DISMISSAL ON TERMS AGREED TO BY PARTIES; ~~[PROPOSED]~~ ORDER
CV 09 0689 SI

Pursuant to that Agreement, the parties hereby request this Court to vacate its July 7, 2009, Order of Dismissal Upon Settlement and instead enter an order dismissing the case against Jeanmarie Boben and Tyler Hubbs and dismissing Jeanmarie Boben's and Tyler Hubbs's Counterclaims against CVPartners, Inc., all with prejudice, consistent with the above conditions and as set forth in the below Order.

DATED: August 5, 2009

HANSON BRIDGETT LLP

By: /s/

SANDRA L. RAPPAPORT
WALTER R. SCHNEIDER
Attorneys for Plaintiff
CVPARTNERS, INC.

DATED: August 5, 2009

DILLINGHAM & MURPHY LLP

By: /s/

CARLA J. HARTLEY
ATTORNEYS FOR DEFENDANTS
JEANMARIE BOBEN AND TYLER
HUBBS

DATED: August 5, 2009

GOODWIN PROCTER LLP

By: /s/

THOMAS F. FITZPATRICK
STUART BARTOW
ATTORNEYS FOR DEFENDANT
TYLER HUBBS

*I, Sandra L. Rappaport, hereby attest that concurrence in the filing of this document has been obtained from each of the other signatories within this e-filed document.

ORDER

IT IS ORDERED THAT the Order of Dismissal Upon Settlement, entered in the above-entitled matter on July 7, 2009, is hereby VACATED.

IT IS FURTHER ORDERED that the above-entitled matter, including all claims and Counterclaims, is hereby dismissed with prejudice and;

IT IS FURTHER ORDERED THAT the above dismissals are conditioned on the terms of the parties' Settlement Agreement with Mutual Releases. Each party will bear its own costs, expenses, and attorneys' fees.

The Court hereby retains jurisdiction over the enforcement of the parties' Settlement Agreement with Mutual Releases for two years in the event legal action is required to enforce its terms.

DATED: August 5, 2009

